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SIXTIETH LEGISLATURE

FIFTIETH LEGISLATIVE DAY
MONDAY, MARCH 1, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Coiner, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Akira Keller, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 26, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 26, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1253](#), [S 1254](#), and [S 1255](#) were delivered to the Office of the Governor at 2:55 p.m., February 26, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senators Coiner and Stegner were recorded present at this order of business.

March 1, 2010

The STATE AFFAIRS Committee reports out [H 446](#) and [S 1376](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 446](#) and [S 1376](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Cameron was recorded present at this order of business.

February 24, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1302](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 26, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1307](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 26, 2010

Dear Mr. President:

I transmit herewith [HCR 47](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 47](#) was filed for first reading.

February 26, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 443](#) and [H 421](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 443](#) and [H 421](#) and ordered them returned to the House.

Senator Andreason was recorded present at this order of business.

February 26, 2010

Dear Mr. President:

I return herewith Enrolled [S 1297](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1297](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [HJM 9](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bair, seconded by Senator Fulcher, [HJM 9](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1386 **BY STATE AFFAIRS COMMITTEE** AN ACT

RELATING TO RIGHT TO WORK; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 20, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-2013, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE THAT IN REGARD TO CONTRACTS FOR CERTAIN PUBLIC WORKS THE STATE OR ANY POLITICAL SUBDIVISION SHALL NOT REQUIRE CERTAIN PAYMENT TO CERTAIN EMPLOYEES, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE THAT IN REGARD TO CONTRACTS FOR CERTAIN PUBLIC WORKS THE STATE OR ANY POLITICAL SUBDIVISION SHALL NOT REQUIRE THAT A CONTRACTOR, SUBCONTRACTOR, MATERIAL SUPPLIER OR CARRIER ENGAGED IN PUBLIC WORKS BECOME A PARTY TO CERTAIN AGREEMENTS, TO PROVIDE FOR STANDING AND TO PROVIDE FOR APPLICATION OF LAWS; AND PROVIDING SEVERABILITY.

S 1387 **BY STATE AFFAIRS COMMITTEE** AN ACT

RELATING TO LABOR ORGANIZATIONS; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 20, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-2012, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROHIBIT CERTAIN ACTIVITIES RELATING TO LABOR ORGANIZATIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES AND TO PROVIDE FOR CHALLENGES BY INTERESTED PARTIES; AND AMENDING SECTION 44-2012, IDAHO CODE, TO REDESIGNATE THE SECTION.

[S 1386](#) and [S 1387](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 47](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1295](#), by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

[S 1381](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1354](#) and [S 1379](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[S 1330](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1305](#), as amended, and [S 1366](#), as amended, by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1342](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1342](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1312](#), [S 1341](#), and [S 1371](#) retained their place on the Third Reading Calendar for one legislative day.

[S 1317](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—Pearce. Total - 1.

Total - 35.

Whereupon the President declared [S 1317](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1331](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Siddoway disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Hill, Keough, Lodge, Malepeai, McGee, McKenzie, Schroeder, Smyser, Stegner, Stennett (Stennett), Winder. Total - 24.

NAYS—Bair, Fulcher, Heinrich, Jorgenson, Kelly, LeFavour, McKague, Mortimer, Pearce, Siddoway, Werk. Total - 11.

Total - 35.

Whereupon the President declared [S 1331](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Tuesday, March 2, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary